

Meeting of 1997-10-28 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 28, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor Also Present:
Presiding Gil Schumpert, City Manager
 Felix Cruz, City Attorney
 Brenda Smith, City Clerk

The meeting was called to order at 6:00 p.m. with Invocation by Linda Pope, Associate Pastor, Centenary United Methodist Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

PRESENT: Jeff Sadler, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Charles Beller, Ward Six
 Carol Green, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Jody Maples, Ward One
 Richard Williams, Ward Two

PRESENTATION OF CITIZEN OF THE MONTH AWARD TO DAWN ARRINGTON

Patsy Bard, Chairperson, Mayors Commission on Status of Women, introduced Dawn Arrington, who was accompanied by her family. Bard read the letter of nomination which stated that the Arringtons have two children who are deaf. Dawn volunteers at Howell Elementary assisting in special education classes and was approved by OSD to be a substitute teacher if one of the two special education teachers are absent. Dawn offers signing classes at Trinity Baptist Church, and formed the group "Trinity Hands of Faith", which is a sign language choir; she also volunteers at the church nursery, childrens camp and vacation school, and is active in school programs and PTA. Dawn was accompanied by her husband, K.J., her children, Kenneth and Katie, and her mother and father from Fort Worth, Mr. and Mrs. John Donahue, and her brother, Shane. Mr. Arrington is stationed at Fort Sill.

Mayor Marley congratulated Mrs. Arrington on her accomplishments and volunteer efforts. Proclamations of appreciation will be sent by the City and other government agencies.

EMPLOYEE OF THE MONTH PRESENTATION TO KATHY FANNING, CITY CLERKS OFFICE

Schumpert introduced Kathy Fanning who has been a secretary in the City Clerks office for a little over three years, is very active in the Employee Advisory Committee and worked on this years employee picnic. He said Kathy is not reticent to speak when she feels there is an employee issue that should be brought before the Council.

Mayor Marley presented the Employee of the Month plaque and Certificate of Appreciation, and said local merchants had also provided gifts as awards.

Fanning thanked everyone for their support and Kori Moffett for submitting the nomination. She said the Employee of the Month program is good and asked that employees submit more nominations.

Schumpert said the City received a superior achievement award for efficiently using all available resources to make significant improvements in mobility and safety from the Oklahoma Good Roads and Street Association. He said Lawton is one of two cities which will be honored at the national level later this year.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF OCTOBER 14 AND OCTOBER

16, 1997.

MOVED by Sadler, SECOND by Purcell, for approval of the Minutes of October 14 and 16. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

Mayor Marley announced that Item 6 would not be considered at the request of the initiator.

BUSINESS ITEMS:

1. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 2204-2210 NW Crosby Street. Exhibits: Ordinance No. 97-55; Location Map; Site Plan; Application; Memoranda from Principal Planner, Traffic Engineer and Transportation Planner II; Draft LMAPC Minutes.

Bob Bigham, City Planner, provided the following background information: "This request consists of four lots equaling approximately one-half acre. The owners of the lots have agreed to the rezoning request by SST Investments. These lots are part of a development plan for a Walgreens drug store to be located at the northeast corner of Sheridan Road and Ferris Avenue. Zoning of the surrounding area is R-1 to the north and east and C-1 to the south and west; land use of surrounding area is single family residential to the north and east, vacant to the south, and commercial (Bibleway) to the west. Current use of these lots is three single-family residences and one vacant lot. LMAPC held a public hearing and considered this request on 9/24/97; two persons spoke in favor of the request, and one person spoke against the request. The LMAPC by a 7-0 vote recommended approval of the request." He said the Land Use Plan indicates this is a transitional area from residential to commercial and the request is consistent with that Plan.

PUBLIC HEARING OPENED. No one appeared to speak.

PUBLIC HEARING CLOSED.

Beller asked if this is the same area Council will consider for closing of an easement. Bigham said a public hearing will be held November 25 to consider the request to close an easement..

MOVED by Beller, SECOND by Sadler, to waive reading of the ordinance, read the title only, and approve Ordinance No. 97-55.

(Title read by Clerk) ORDINANCE NO. 97-55

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF FROM THE EXISTING CLASSIFICATION OF R-1 (SINGLE FAMILY DWELLING DISTRICT) TO C-1 (LOCAL COMMERCIAL DISTRICT) ZONING CLASSIFICATION; AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

2. Receive recommendations from the Board Review Committee and direct staff to prepare and return appropriate documents to enact recommendations. Exhibits: Minutes of October 6, 1997, Board Review Committee.

Purcell said he chaired the Board Review Committee and reviewed the five recommendations as follows: 1) Establish a requirement that all board and commission members be Lawton or Fort Sill residents, with the exception of those commissions which specifically identify residency, such as LMAPC, and if a member moves from the jurisdiction, they would automatically be removed from the board. 2) Boards or commissions would automatically dissolve upon presentation of a final report or one year after creation, whichever is first, similar to the Sunset law. This would not apply to boards which have been determined will be permanent. 3) Dissolve the Carnegie Library Town Hall Board and Committee for Naming Public Facilities and have functions of these groups incorporated into the Parks & Recreation Commission.

Purcell said the fourth recommendation is to dissolve the following: Board Review Committee, Lawton Commission on Aging, Mayors Stormwater Mitigation Committee, E911 Advisory Committee, Ad hoc Building Permits & Fees Committee, Ad hoc Child Care Task Force, Emergency Medical Service Committee, Computer Management Advisory Committee, Committee for Employment of Handicapped; Council Committees: KCA Land Use Committee, Museum Committee, Joint Land Use Advisory Committee, School House Slough Ad hoc Committee, Mayors Code Review Board. Lawton Industrial Development Authority and Post Office-City Hall Authority will be handled separately as trust documents are involved, and the recommendation is that both be dissolved. Any not mentioned will continue in force.

Purcell said the fifth recommendation is that no business cards or name tags be provided to any board or

commission sanctioned by the City; in addition, as part of the agreement to keep one of the committees, that secretarial support for the Lawton Human Rights & Relations Commission will be limited to preparation and mailing of agendas to comply with the Open Meeting Law, and to receive complaints from the public to be transmitted to the Chairman and City Attorney, and all other administrative items for that group will be handled by someone they appoint to be responsible for that.

Sadler asked about eliminating the Mayors Stormwater Drainage Committee and whether there would be another board to work on the flood ordinances. Mayor Marley said another ad hoc committee may be appointed to look at the stormwater drainage ordinance to see if modifications are needed. Beller said Col. Hawthorne was present at the meeting and recommended dissolution of the committee.

Cruz said the Emergency Medical Services Committee is under the ambulance portion of the City Code, which his office was reviewing. He requested no action on that item until the recommendation can be returned.

Mayor Marley said a person had asked to speak and Council agreed to receive comment.

Donald Kesler, Chairperson, Lawton Human Rights & Relations Commission, said following the Board Review Committees meeting, they had their own Human Rights & Relations Commission meeting and some concerns were raised during the Commission meeting dealing with the three recommendations on the Human Rights & Relations Commission. He said he would like to comment on two of those recommendations; first, the time change. Kesler said in the meeting minutes for the Board Review Committee, their time was changed from 5:15 p.m. to 5:00 p.m., but since they will keep their own minutes and no longer rely on the City Clerk, which requires overtime pay, they would like to keep their meeting at 5:00 p.m. to allow the people in the business community ample transportation time so they do not run afoul of the police department.

Kesler said the second item is elimination of City logo business cards. Kesler said the 18 members are all citizen volunteers with varying degrees of training in human rights and relations issues, all are appointed by the Mayor and approved by the City Council and that they do represent the City of Lawton. When a discriminatory act or practice complaint is received, the City Clerk prepares letters to both the complainant and the respondent; these letters are on City letterhead acknowledging receipt of the complaint and identifying the members of the investigating committee. The business cards with the City logo aid in confirming the identity of those members investigating the complaint. Often during the investigation, especially with the respondent, the committee is entering into an adversarial situation, and without the credibility of the card, the committee may have a difficult time seeking a resolution to the alleged act or practice. Kesler asked Council to consider retaining the business cards with the understanding that they are only to be used during the investigation of complaints; additionally, the cards will only be given to commission members upon proper training on their use and a written acknowledgment from the commission member to that effect. He said in his opinion, the removal of City logo from the card or removal of the name tag was similar to sending a soldier on a mission without a uniform.

Shanklin asked Cruz if he had a problem with that. Cruz said there were areas Kesler mentioned during the committee meeting where he had represented himself as a City representative, and the areas he spoke about on giving instruction as to requirements or specifications for handicapped facilities is not appropriate since there is a City division that handles that, and therefore, on that basis, that should not be permitted. Cruz said the use of business cards for any reason, especially since it was mentioned that when he or members go out, they act in a "adversarial" role, and the City business card and name tag could also act as an intimidation toward the individual and he did see a problem with that.

Kesler said more than putting them in an intimidating position, the Commission finds that many businesses or respondents, the person or entity the complaint was filed against, by having the name badge and the business card, it gets members into the business to be able to reach a friendly agreement on the complaint, rather than having the door slammed in their faces and then having to elevate the complaint to State level. He said at the Board Review Committee meeting, Odell Gunter, Vice Chair of the State Human Rights Commission, who is appointed by Governor Keating, stated that he did desire and that it is the position of the State Commission to keep the local boards and commissions to investigate and resolve complaints at the lowest possible level and at the lowest cost to both the complainant and respondent. Kesler said he was in error going into businesses and admitted it on the night of the committee meeting and had ceased doing that. He said he spoke with Mr. Tucker, and had the American National Standards Institutes Guide on ADA compliance, and following Tuckers discussion, he sees nothing wrong with Kesler going into a business, if they request him to come in, and just go through the book and say Mr. Tuckers folks are the people that will make the final decisions, but these are the kinds of things they will look for, and I see nothing wrong with that and that is within the ordinance that establishes the Commission.

Warren said these issues were discussed at the previous meeting, and that he had no problem with Kesler doing such things, as long as he did not have a City of Lawton card or badge. He said if Kesler would like to do such things as an entity not connected with the City, he would provide that service, there would be no problem with that. Warren said being associated with the City, that is not something Council wants to delegate to someone other than a City employee, and that is the point.

Kesler said he agreed and that was the reason his statement was worded that the business cards and name badge would be used only for complaint investigation; not to provide an advisory service to a business which calls the Commission to ask what they need to do to comply with ADA.

Purcell said the Board Review Committees initial thought was to completely eliminate the Commission; however, after an elegant plea by Kesler and others, the compromise was that the Commission would continue on the provision that they provide their own secretarial service, and do away with the business cards and name tags so there would be no misinterpretation that they were representing the City. He said it had appeared to have come full circle where they wanted to stay where they were, and that he would be inclined to say if we are going back to that, he would be concerned about the liability and be in favor of eliminating the committee.

Shanklin asked what kind of questions are asked of Kesler for him to go out and tell people about the BOCA code. Kesler said there have been articles in the newspaper and he works with disability support groups in the community, and people know they can call him and receive suggestions from him personally, not from the Commission, and that he always tells people that Tuckers department has the final say. Purcell asked why people would not call Code Administration directly. Kesler said the newspaper article six to eight months ago said the Commission could help advise people on some of the things they might want to consider as reasonable accommodation. Kesler said about a year ago, they produced 500 brochures on the Commission outlining the primary roles as education and investigation of complaints, so when people see the brochures, they will call the City Clerks Office and receive his telephone number. Mayor Marley said if they call the City, instead of referring them to that Commission, they should be referred to a City department as appropriate.

Warren said his concern was not solely about handicapped accessibility and things of that nature, but you venture into the same realm of legalities when you take on the role of the City in solving a human rights problem; there is still the connection to the City that you have a badge on with the City seal, and the information may be given out correctly, but it goes back to the fear and intimidation, because if you come into my business and have an emblem on identifying the City of Lawton, I instantly think the City of Lawton is on me because of an allegation. He said even if you were the most horrible person in the world, there is nothing the Commission can do other than try to resolve it or tell them to take it to the State. Warren said the only thing that can happen is the City can be held liable for something bad that could happen; there is no good that can come from them being connected to the City that could not come from them being an entity on their own. He said the concern is that something will be said or done to cause a liability to the City.

Mayor Marley said he appreciated both sides of the discussion and that Council would decide.

MOVED by Warren, SECOND by Purcell, to accept the recommendations of the Board Review Committee with the exception of the Lawton Human Rights & Relations Commission, and that it be deleted but also we will offer staff support in finding them a new umbrella to work under or help them in any way that we can to establish their own entity.

Beller said Odell Gunter is the representative for the State Human Rights Commission and suggested he could work with a group not connected with the City of Lawton. He asked if that could be done.

Mayor Marley said he did not have the same concerns as had been expressed. He said he did not feel the City logo would give the members any more authority to go into a persons business than he had and tell them what to do. He said the joy of this is that someone is available, and in many cases, citizens do not know who to contact, and that Kesler can bring things into the City for people to receive help.

Beller said if they bring it back to the City, who will pursue the complaint. Mayor Marley said he was referring more to ADA. Beller said he felt the badge and the cards made the connection official that these persons were representing the City, and that he had a problem with the badge. Beller said he noticed Kesler attending a Council meeting some months ago wearing the badge and thought he was an employee. Beller asked if they could have a different type of badge. Mayor Marley said they could, but they are a City commission. (Second to the motion was offered at this time by Purcell)

Schumpert asked if the motion was to include that staff be directed to prepare and return appropriate documents to effect the recommendation. Warren said whatever we need to do to make that happen. Purcell said business cards and badges should not be issued to any board, and the Emergency Medical Services Committee should not be included in the recommendation. Warren agreed it was not in the motion.

Shanklin said people are recognized as Citizen of the Month for volunteering their time, and the members of the Commission volunteer their time for a good cause. He said he had a problem with the badge because he had seen a couple and thought the people were City employees and found they were not.

SUBSTITUTE MOTION by Shanklin, SECOND by Green, that Item 5 be included in the Lawton Human Rights and Relations Commission and that they be kept, and the remaining parts of the original motion be included as discussed.

Sadler asked if the substitute motion was to adopt the recommendations of the Board Review Committee with the exception of the Emergency Medical Services Committee. Shanklin said yes.

VOTE ON SUBSTITUTE MOTION: AYE: Shanklin, Beller, Green, Sadler. NAY: Purcell, Warren. SUBSTITUTE MOTION CARRIED.

3. Consider approval of a loan in the amount of \$32,500 to Ed Hazard dba SEAs Glass Hat Catering from the Community Development Block Grant Revolving Loan Fund, and if approved, authorize execution of documents necessary. Exhibits: None.

Schumpert said \$70,000 was included in the 15th Year of the Community Development Block Grant Program to be used for direct loans for businesses to create and retain jobs for low and moderate income individuals. He said this business qualifies and these are high risk loans; some have worked out in the past and some have not, but this is the purpose of the program.

Purcell said the commentary states that six new jobs will be created and asked if four of them would be filled by low or moderate income persons. Pondrom said yes. Mayor Marley said there are additional assets and equity of \$67,000. Pondrom said it is a high risk loan and he did not reach a comfort level in recommending approval until looking at Mr. Hazard's personal financial statements. Pondrom said Hazard has agreed to pledge at least \$10,000 of a mutual fund as collateral for the loan and the City would be in first position on those funds. Pondrom said otherwise it is a basically an unsecured loan and the project is what the program was put in place to fund.

Green asked where the business would be conducted. Pondrom said it will be at the corner of 10th and "D". Green asked if the applicant was present and Pondrom said no. Sadler asked if there was any other information on the business. Pondrom said they will do in house catering for parties and also run a regular catering service.

Warren asked if there were any financial statements. Pondrom said it is a new business and all financial statements are pro forma, and he has that for three years. Pondrom said the agenda item contains an analysis of that; he computed a financing gap based on the assets that could be brought to bear for this project, but the financials are part of the business plan. Pondrom said the business has not sold anything and is in the process of getting started, but needs the loan; they have a loan of \$32,500 from AmQuest Bank but it is contingent upon the City providing \$32,500 as an additional loan.

Purcell said when Hazard went to AmQuest for the loan, he was sure paperwork was required, but the Council is being asked to approve this without paperwork and that this is not the first time this has happened. He said he was not prepared to approve this with absolutely no information having been provided by the staff. Purcell suggested the item be tabled and Council be given some additional pro forma statements and at least the courtesy of the information that went to the bank so they could make a determination, to allow Council to make a determination.

MOVED by Purcell, to table to the next meeting. (Motion died for lack of second)

Pondrom said he had all the information in a binder, including the personal financial statements and analysis. Purcell said he could not read it tonight and needed it as part of the agenda.

Shanklin said these are Community Development Block Grant funds which have been set aside and the funds are to be spent in this manner. He said the project falls into a certain category and that if AmQuest would support it, he would also. Shanklin said if the project fails, it does not cost Lawton taxpayers anything except what was sent to Washington, and if we do not spend it, someone else will. He said staff recommended it be approved.

MOVED by Shanklin, SECOND by Green, to approve the item.

Warren asked what they will use the money for. Pondrom said working capital and to pay for the lease, and there is a complete list of items. Pondrom said disbursement of these funds will be after the AmQuest loan has been disbursed, and any expenditure they want will have to be done based on presentation of a list of what they want and if it is to pay a third party, the checks will be made jointly to the business and the party, so it is not a bail out situation. Pondrom said they will buy food and finish renovation to the building so they can open the doors and start having parties at that location and start the catering; they have to buy the materials they will sell in their business. Mayor Marley said what Pondrom just said should have been included in the agenda package. Schumpert said it was his understanding that the documents were on file in the City Clerks Office, the loan agreement, promissory note, security agreement and amortization schedule. Purcell said that is not what we are talking about and that does not tell us what we need to know. Schumpert said it was his understanding that those documents contained part of what Pondrom was saying.

Mayor Marley said out of courtesy to the Council, the items Pondrom just spoke about should be included in the package, no matter where the main document is, Council has to be given something other than approve \$32,500.

He said he was not saying Council should have copies of each document, but they should be given the courtesy of all of the information available.

Purcell said Council has had this numerous times where they are asked to approve items, and there are no pro formas in the City Clerks Office, and Council needs the full information when items are presented. He said many times when Council gets items from Housing and Community Development, it is a one page item and you can go to the City Clerks Office and find part of it, and Pondrom has a whole book and Council does not need that, but they do need all the information to be able to make a decision.

Beller said prior to the meeting tonight he sat with Pondrom and went through the book and saw what the funds were going to be spent on, so he was comfortable voting to approve it. He said the City will have a third mortgage position, and a mortgage on the equipment, and the first mortgage on the investment. Beller said he agreed with Purcell, that he had not seen what he was looking for, but he found it and was comfortable with the request.

VOTE ON MOTION: AYE: Shanklin, Beller, Green, Sadler, Purcell. NAY: Warren. MOTION CARRIED. (Purcell stated he would vote yes based on Beller's having looked at the information.)

4. Consider adopting a resolution establishing no parking along SW 52nd Street from Atom Avenue south to the railroad tracks. Exhibits: Resolution No. 97-135.

Warren said he requested the item due to problems residents have had with people parking on both sides of the street and in some residential yards during ball games at Grand View Sports Complex. He said there is no curbing in place to prevent cars from entering and it has been a problem for residents of this area. Warren said the games are over for this season and hopefully the schedule would be changed next year to prevent congestion. Shanklin said parking should be available based on the cost of the facility. Mayor Marley said he could see where parking should be prohibited on the east side but that it might be acceptable to park on the west side, or one side or the other. Warren said anything would be better than nothing.

Green said she brought this up a couple of months ago and that the scheduling change should help. Warren said he did not want the problem to come up again and felt the signs are needed. Mayor Marley said it seemed you would not want people parking on the east side due to the residential area.

MOVED by Warren, SECOND by Beller, to adopt Resolution No. 97-135 authorizing installation of traffic control measures at specified locations.

Mayor Marley asked if that was both sides of the street and Warren said yes.

SUBSTITUTE MOTION by Sadler, SECOND by Purcell, to adopt Resolution No. 97-135 installing traffic control signs but to say no parking on the east side where the homes are located.

Sadler said he would like to do this in the short term and send it to the Traffic Commission. Beller said staff recommended approval. Warren said the Commission did not have a quorum.

John Gossett, area resident, said he was present for another item but some times you can have only one way traffic through this neighborhood.

VOTE ON SUBSTITUTE MOTION: AYE: Sadler, Purcell, Shanklin. NAY: Beller, Green, Warren. Cruz said five affirmative votes are required to adopt a resolution. Mayor Marley said he would have voted yes but it would fail for lack of five affirmative votes.

VOTE ON ORIGINAL MOTION: AYE: Green, Warren, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED. (Sadler said he would vote yes because he thought some signs were needed.)

(Title only) RESOLUTION NO. 97-135

A RESOLUTION AUTHORIZING THE INSTALLATION AND/OR REMOVAL OF TRAFFIC CONTROL DEVICES AT A CERTAIN DESIGNATED LOCATION WITHIN THE CITY OF LAWTON, OKLAHOMA.

5. Discuss dedicating one code inspector, or hiring an additional code inspector, to pursue enforcement of code violations of high weeds and grass, junk cars, signs, and similar items, on a full time basis, whether or not complaints have been received on a violation, and take appropriate action. Exhibits: None.

Purcell said he requested this item for discussion because all members have received many complaints about high weeds and grass, as well as junk cars and signs. He said Council should make a decision on whether the City should be cleaned up or if staff should respond only to complaints. The City Manager can provide some relief by having inspectors look at a block when a complaint is received on a specific address, rather than ignoring an apparent violation next door to the address of the complaint. He said there appears to be a problem with who to

fine, as far as renters, real estate agents, etc., however, the employee should be trained, issued a citation book, door knockers, etc. and drive up and down the streets eight hours a day and when he sees a code violation, he notifies the people, and be nice about it and tell them once and if he finds one set of weeds on a street, he may be able to find five more on that street instead of coming back out there four more times. Purcell said he the fines should more than cover the salary and this should be done if we are going to clean up the City.

Shanklin said Council approved when he requested an employee do to the so-called demolition, and he was not trying to have buildings demolished but wanted to have them repaired. He said violations are everywhere and two or three people should not have to go to the same location to determine if a place is in violation. Shanklin said he was referring to 1704 Taylor, which took several people to inspect the violations, one for debris, one for chickens, one for junk cars, one for lumber and firewood that was stacked all around the house and so forth.

Dan Tucker, Code Administration Director, said he was not aware of more than one person going to any house and that he does not have any specialists. Shanklin said he was told that recently by personnel in Code Administration. Tucker said if that happened, he would stop it, because he had no specialists. Schumpert said he thought in this case there were animals involved, so Animal Control was called out. Tucker said if they find an unhealthy condition due to animal waste, they notify the Animal Control Division, but as far as the things done in Code Administration, one person should have been able to do that part.

Shanklin said he had a problem with where such an employee would start, and that he wanted them to start in Ward Five and Ms. Green would want them to start in Ward Seven. Green said she did have a person now; one person has been assigned to Ward Seven for a certain number of hours but he could be in Ward Seven five days a week, 8-5. Purcell said he did not care where the person started and that he should include the main roads because bed sheet signs flap in the wind on Gore and Cache Road, and the question is whether we want to clean them up or just go out when a complaint is received. Shanklin said he thought inspectors should be assigned areas so they would become familiar with them. Green said the citizens know who the code inspectors are in Ward Seven and they call him, and he is making a relationship especially in the Lawton View area, and it is getting cleaned up.

Shanklin asked Tucker if he thought it would work to assign inspectors to areas or wards instead of having them go all over town and they are now going in every direction. Tucker said inspectors take complaints in the order received. Tucker said he had no problem assigning people by area or district but would rotate them occasionally, and that it would be a better way to do it. Tucker said one complaint may be low limbs for several blocks and while that is being investigated, other complaints are ignored.

Mayor Marley said his personal opinion was that all City employees should be looking for violations when they are out in City vehicles, and that there are enough employees going throughout the City that if they would just note it and turn it in to the appropriate department, it would be addressed. He said there was a problem with people saying my job is to look at X, and they do not care what happens with anything else. Mayor Marley said he thought every employee should be mindful of violations and report them. He said City trucks are everywhere in the City every day, and that would be a partial solution.

Warren said he agreed with the Mayor and that solid waste workers go to every house twice a week and they could turn in addresses. Schumpert said that is not their function. Jerry Ihler, Public Works/Engineering Director, said as the foremen follow the crews, and they do not follow just a specific crew because they each have about five crews to check on, but the foremen have a check sheet and if they come across high weeds, or limbs in the alley, they use a form to describe the address and violation, and forward it to Code Enforcement for them to follow through, and they do cover the whole City. Schumpert said part of the reason there have been so many complaints this year is that they are doing things like that.

Schumpert said the philosophical difference is that there are certain code violations in certain areas and no one cares they are there. He said by doing inspections throughout the City, rather than by complaints, we are telling the residents that all would be cited regardless of their opinion. Schumpert said if an inspector goes out about a complaint on one address in the alley, and the entire alley is in need of attention, he will do the entire alley rather than just the one address. He said the method described in the item would clean up the City but that he was not sure that was the approach we wanted to take with the citizens of Lawton.

Purcell said the person with a trailer parked across a side walk would not necessarily be the target but we are talking about high weeds and grass, junk cars and signs, not every single violation across the City. He said he was talking about the violations that were so obvious that people call in to complain. Purcell said the department is doing a good job, but it may take a week before an inspector can get out. He said he agreed with the Mayor that employees should turn in complaints while they are out in their work, although not the solid waste personnel.

Shanklin said a car had been jacked up on 4th Street for a couple of weeks and the people were doing a brake job; many employees went by that area during that time period and it was a violation but nothing was ever said. He said it was not in a drive way, but in a front yard. Shanklin asked Tucker if they were gaining on the problem and Tucker said yes.

Tucker said Public Works began providing addresses of violations some months back, and they will do both sides of the street on a block where a complaint has been received. He said he could not make it further than a mile from City Hall in the next month because any code violation must be cited, rather than asking the inspector to decide which violations will be enforced. Tucker said he liked the complaint basis but staff could do it better.

Discussion was concluded and no action was taken.

6. Consider adopting an ordinance amending Section 15-311, Lawton City Code, 1995, prohibiting body piercing of persons under the age of 18 without the presence of their parents or guardians. Exhibits: Ordinance No. 97-____.

This item was not discussed at the request of the initiator.

7. Discuss amending the City Charter to have the City Attorney appointed by the City Council, and consider adopting a resolution on the proposed amendment. Exhibits: Resolution No. 97-136.

Purcell said he brought this up and regretted that the Charter Review Committee did not discuss having the City Attorney be hired and work for the City Council. He said he had talked to the City Manager and City Attorney about it and neither indicated an objection.

MOVED by Purcell, SECOND by Warren, to adopt Resolution No. 97-136 and go to a vote of the people in March and ask them to make this one change in the Charter having the City Attorney be hired directly by the Council, working for the Council, the same way we do the City Manager, City Clerk and City Judge.

Mayor Marley said a request had been received to speak and Council agreed to receive comment.

Gary Brooks, President of Local 1882 Firefighters Association, said it was suggested that, since Council would be discussing a Charter change, to address a change in the "for good of the service" standard set forth in the City Charter to a "just cause" standard. Mayor Marley said the Council could not vote on that since it is not on the agenda but if a member desired that it be brought back they could do that.

The following comments by Brooks are inserted verbatim: "Without addressing the existing conflicts that have resulted from the question of whether employees covered by collective bargaining agreement already have a just cause standard, I would like to provide some information. There are seven elements of just cause; the first element is adequate warning; second is reasonable related rules; third is fair investigation; fourth substantial proof; five is equitable treatment and past practice; six is appropriateness of discipline; and seventh is a pre-determination hearing. The City now provides and meets all of these elements. The personnel policies list proper causes for discipline. Just cause standards do not prevent the City from providing discipline or direction. Just cause standards do not impact employers if work place practices are fair and just. For the good of the service basically makes City employees employees at will. This means they can be fired for any reason, or no reason. City employees can never be secure in their jobs, can be dismissed without prior warning no matter how satisfactory their job performance might be. As it stands now, all of the elements of just cause standards are provided but the at will standard is used as a safety net to uphold any discipline that may have fallen short of one of the elements or an error in judgment.

Several years ago employees were alarmed, and basically Im speaking of general employees, were alarmed at an at will statement in their employee handbook. I think it was later removed but Im not really sure, Mr. Bridwell can probably better address that. It robs employees of a very basic dignity and a right to due process. Everyone knows it is unfair to lose ones job for no reason or an unfair reason. It is a solid argument that employees covered by collective bargaining agreements have due process rights or can only be disciplined for just cause but all employees deserve these very basic rights. Free expression, equal protection, and due process are rights guaranteed to all Americans by the First and Fourteenth Amendments to the United States Constitution. One of the examples when we were in negotiations that was given to us for at will employment was that you could be terminated if the color of your eyes were blue. As soon as we chose not to do that, weve already adopted a higher standard, and you guys have adopted that, youve provided all of the elements of just cause, theyre all there. The only thing that were doing now is at the end of giving all of those elements, were saying if we messed up, were still going to use the at will employment to justify our position.

Thank you very much for listening and I understand its strayed a little."

Shanklin said he thought along with this that the Mayor should vote and enter into the discussion. He said he felt it should be changed so that the Mayor "shall" vote on all items, and that he would like to hear how the Mayor felt on many items. Beller said the Mayor can discuss items now and Shanklin agreed. Mayor Marley said since he did not vote, he usually did not get into the discussion many times. Purcell said he liked to hear the Mayors comments also, and when they reviewed the Charter, the Mayor was included to break the tie votes. Shanklin said he may but did not have to. Purcell agreed and asked if Shanklin meant the Mayor would be required to vote only in case of a tie. Shanklin said no, he wanted the Mayor to have to vote all the time. Purcell said he felt someone was needed to break ties. Shanklin said there would be no ties if there were nine votes. Purcell said there may be absences.

Purcell said he did this for one thing and there would be a problem getting a lot of things added to review the Charter. He said he disagreed with earlier statements about employees and that the subject was discussed at length in the Charter Review Committee; the bargaining units obviously have protection and go through arbitration and grievance procedures, and the Charter itself specifically states the due process to cover general employees, which is the Personnel Board and that is included in the Charter. Purcell said there is protection right now for any employee who is dismissed and is aggrieved.

Beller asked the advantages of the Council appointing the City Attorney and said the City Manager has to work with the Legal Department and currently has control of those employees. He asked why the City Attorney would not report to the City Manager for a smooth flow of authority.

Cruz said as the City Attorney, his client is the City of Lawton and the City of Lawton is represented through and by the City Council. He said with Mr. Schumpert, and previously Mr. Hopkins, there had never been a problem with who the devotion is with; he and Schumpert had discussed this and if there is a close call as to whether the City Attorney should support the City Manager or defend and support the City of Lawton, he would support and defend the City of Lawton and come to the Council as the elected representatives. Cruz said he and Schumpert agreed on that point and that Schumpert respected that position, likewise with Mr. Hopkins. He said he did not know if that would be true in the future but if there is a very strong City Manager who may say he wanted the City Attorney to recommend not settling a suit because the City Attorney works for the City Manager, but the City Attorney may feel the suit should be settled but would have to do as he was told by the City Manager, so the City Attorney would not be truly defending his client, which is the City of Lawton, and that is the biggest point, who is the client, the City of Lawton acting through the City Council. Cruz said it could be a conflict of interest and he respected the manner in which Schumpert had handled this.

Purcell said this has nothing to do with the personalities involved. He said at the NLC or OML meetings, in discussion with others, the answer usually is to get a legal opinion and take the advice of the City Attorney because he works for you, the Council. Purcell said that is the case in many places throughout the country and right now the City Attorneys boss is the City Manager and not the City Council. He said he felt it would be easier on the current and future City Manager and City Attorney.

Shanklin said he supported this change and knew there had been conflicts in years back. He asked Mayor Marley his opinion on the Mayors voting or discussion. Mayor Marley said he was involved a little bit with the Charter Review Committee and felt it was more appropriate for the Mayor to stay out of the items in theory because if you read the rest of the Charter, the Mayor does not really have that much authority so he was inclined to say he felt it should stay as it is in that regard where the Mayor may vote to break a tie. He said one possible change was that the Mayor "shall" vote to break a tie, instead of "may" because why would you want to leave with a tie vote rather than a decision.

Schumpert said he wanted people to understand his position on the issue with the City Attorney. He said he thought in the past that the City Attorney worked for the City Manager because he was hired by the City Manager, and the only two who did not work for the City Manager were the City Clerk and the City Judge. Schumpert said he and Cruz had discussed this a couple of years ago and upon finding that the City Attorney represents the City, which is represented by the City Council, if the City Manager and City Attorney are at odds, the City Attorney will take the position of the City Council against the City Manager. He said he thought it would be clearer definition for a manager or an attorney. Schumpert said there are two models of this with the City Clerk and the City Judge and those work well. He said he was comfortable that this was not drive by personality but was an area which needed to be cleared up.

Schumpert said he felt if the Mayor voted on every issue, that vote would be diluted because he would become only a yes or no vote. He said the significance of the Mayor voting in case of a tie is very helpful to the staff.

Mayor Marley said the issue brought up by Mr. Brooks cannot be included in this vote, however, if a member desired to bring that up at a later meeting, they have that ability.

VOTE ON MOTION: AYE: Warren, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-136

A RESOLUTION PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF LAWTON, OKLAHOMA.

8. Consider approving Council Policy No. 10-3 regarding collection of fees at the Sanitary Landfill. Exhibits: Council Policy No. 10-3; List of Definitions.

Schumpert said this item was brought forward due to previous discussion on collection of fees at the landfill and that is currently governed by a Council Policy. The proposed policy is almost verbatim from the City Code and was provided to landfill employees for direction.

Beller said there is not a policy regarding storm damage items, such as fences or roofs, that have sustained damage and the homeowner may desire to carry them to the landfill. Schumpert said exceptions are generally made following storms for a reasonable period of time for residents, but as it relates to someone replacing a portion or all of a fence or a roof, under the Code as it is currently written, the resident is charged if they bring that to the landfill. He said he was not saying that was right or wrong, but that was the way it is in the Code. Beller said he would like to see it written so residents could take things like fences or if there had been fire damage, etc., but if the items are taken by a contractor, the contractor should pay landfill fees. Beller said if the homeowner takes it to the landfill, has his water bill receipt and says it comes from his home, he did not feel the resident should be charged.

Schumpert said it is difficult to determine how many roofs a person replaces in a years time. Beller said you are looking for the crooks but he was talking about the honest people. Beller said Council may ask those people for sales tax and should not be taking away some of the services. Beller said he knew a person who picked up storm debris on his residential street as a courtesy and took it to the landfill and was charged a fee, although staff had resolved it and the man was not charged. Beller said he did not think a fee should be charged if a homeowner takes items to the landfill from his home.

Purcell said a man called several members because he had taken a fence to the landfill from his or his son in-laws residence, it was not in a commercial vehicle or trailer, but was charged simply because it was a fence. He said he thought the fee had been refunded. Purcell said the policy says residents can dump free if it meets the solid waste definition of brushwood, rubbish, garbage, refuse, or trash; definition of rubbish says it shall not include salvage automobiles or buses, which is understandable, but "rocks, gravel, dirt, ashes or debris from construction work or like nature". He said a person may want to replace his fence so he tears it down and tries to haul it to the landfill; the other alternative is to put that debris on the side of the road and let the crews collect it. Purcell said a person may want to clean rocks from his flower bed and the same would apply. He said residents are being penalized based on this definition for hauling out their own refuse.

Ihler said if a person has a building permit where they are replacing a fence, they could bring the building permit to the landfill, the fee would be waived or that could be an alternative. Purcell asked about replacing ten rotten boards in a fence, which does not require a building permit. Ihler said it would depend on the length of the board because brushwood and tree limbs are allowed if they are five feet or less, if they are bundled, crews will pick them up; if the resident took that to the landfill, he would be charged.

Mayor Marley said we seem to be looking only at the bad guys, but there are 88,000 good guys in town and so much emphasis is being placed on those trying to get by with something that everyone else is being penalized. Beller said the person at the gate would be suspicious if he saw a person a number of times. Ihler said the person at the gate house has seen people coming out several times a week and has asked for payment, which creates calls to others and an eventual refund. Ihler said those situations caused the recommendation to be written and it is difficult for the attendant to interpret who is telling the truth and who is not, and that should not be the case.

Warren asked how many people drive a pick up out there to dump on an average day. Ihler said they have an average and it is a lot of people; Shanklin agreed and said particularly on weekends. Mayor Marley said he doubted all people took their water bill receipts, and that Council needed to make decisions so the attendant would know what to do.

Purcell suggested in Paragraph 4, the words "or rock, gravel, dirt, ashes and debris from construction, or of like nature" be deleted and allow those things to be taken to the landfill free of charge if they are in fact from a residents home and taken by the resident. He said some may try to abuse the privilege and should be reported but the rest of the people should be left alone. Schumpert said an ordinance could be returned changing that definition.

Shanklin said the ordinance also provides that a load will be covered or the person will be fined, and how could they know what was in the load that was tied down or covered. He said you can be lined up as number six waiting to get in and five are coming from the other way trying to get out. Shanklin said one man is sitting at the scale and if you want the loads verified, that person needs help. He said he found that a commercial vehicle tag cost was no longer of benefit to him personally due to the age of his vehicle. Shanklin said commercial tags are \$100 for the first five years, \$70 for the sixth year, and for the seventh year on it is \$30. He said the commercial tags was one of the reasons this was brought back; if a person has a commercial vehicle tag, they pay the fee to dump whether the refuse is from their house or not. Shanklin said there may be 15 people coming and going and one person trying to direct traffic, receive payments, and weigh the refuse as it goes in and the vehicle as it comes out. He said he felt it was unfair for a person with a commercial tag to have to pay only for that reason; it is fair for him to pay if it is in fact a commercial load. Shanklin said people can put the refuse in the alley but some take it on themselves to take it to the landfill to keep their property cleaned up. He asked Ihler to comment.

Ihler said there is no way to determine whether a person has brought refuse to the landfill from their home if they are in a commercial vehicle. He said those in commercial vehicles should be asked to pay because that is the only

way you can take away the interpretation from the attendant; the alternative is that no one should pay.

MOVED by Purcell, to approve Council Policy 10-3, collection of fees at the sanitary landfill, with the modification in definition in paragraph four on rubbish and trash.

Schumpert said an ordinance would be required. Beller asked why an ordinance would be needed if it is a Council Policy. Schumpert said the definitions are contained in the City Code and a request was made to change the definitions.

MOVED by Purcell, SECOND by Warren, to table the item to the next meeting. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

9. Consider accepting a \$86,940 grant from the U.S. Department of Justice to purchase a records management system which includes the ability to map responses to calls for service. Exhibits: Contract.

MOVED by Beller, SECOND by Green, to accept the grant and authorize the Mayor to execute the contract.

Green complimented the Police Department for securing the grant and said some members had seen this program in Phoenix two years ago at the NLC meeting.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

ADDENDUM ITEM:

1. Consider notifying Presidential Limousines of Texas, Inc., of the City's intent to revoke its Certificate of Public Convenience and Necessity. EXHIBITS: NONE.

Mayor Marley said this has been pulled by the initiator. The firm had not taken action until today, but today they obtained their articles of incorporation from the Oklahoma Corporation Commission and they are going to pay for their City licenses in the near future.

CONSENT AGENDA:

10. Consider the following damage claims recommended for denial: David B. Means; and Milton and Teresa Toles. Exhibits: Legal Opinions/Recommendations. Action: Denial of claim of Means; Toles claim was considered separately, and denied, as shown below.

11. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for the claims over \$400: Beverly Bloom; John L. Gossett, Jr.; Ann Robertson; and Nicole L. Rush.
Exhibits: Legal Opinions/Recommendations. (Res. 97-137, 97-138 and 97-139 on file in City Clerks Office) Gossett: \$325.00

(Title only) RESOLUTION NO. 97-137

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST BEVERLY BLOOM IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00).

(Title only) RESOLUTION NO. 97-138

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST ANN ROBERTSON IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF SIX HUNDRED EIGHTEEN DOLLARS AND FIFTY CENTS (\$618.50).

(Title only) RESOLUTION NO. 97-139

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST NICOLE L. RUSH IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF FOUR HUNDRED DOLLARS (\$400.00).

12. Consider approving and authorizing the execution of a Quit Claim Deed to Cox Development Company of Lawton, Inc., for the property located in the vicinity of Yorkshire and Kingsbriar Drives, Lawton, Oklahoma. Exhibits: None. Action: Approval of item.

13. Consider adopting a resolution establishing the City of Lawton Park Fund.

Exhibits: Resolution No. 97-140.

(Title only) RESOLUTION NO. 97-140
A RESOLUTION ESTABLISHING THE CITY OF LAWTON PARK FUND.

14. Consider adopting a resolution increasing the petty cash account for the City of Lawton Landfill. Exhibits: Resolution No. 97-141.

(Title only) RESOLUTION NO. 97-141
A RESOLUTION AUTHORIZING AN INCREASE IN PETTY CASH FOR THE CITY OF LAWTON LANDFILL. (Raised to \$400.00)

ITEM 15 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

16. Consider accepting the SE "F" Avenue Street and Drainage Project 95-7b as constructed by T & G Construction, Inc., and placing the maintenance bond into effect.
Exhibits: Location Map. Action: Approval of item.

17. Consider approving contracts for the cosponsorship program. Exhibits: Fact Sheet. Action: Approve contracts with the following: Cameron University Department of Music; Lawton Community Theater; Lawton-Fort Sill Art Council; Lawton Philharmonic Society; Omega Workshop;. Southwest Oklahoma Dance Alliance (2 projects); Southwest Oklahoma Opera Guild.

18. Consider awarding contract for auto parts cleaning service. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award to Safety Kleen Corp., Wichita Falls, TX.

19. Consider awarding contract for Polyurea E. P. grease. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award to Glenn Oil Company, Lawton, OK.

20. Consider awarding contract for decontamination and cleaning of bunker clothing. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award to Fire Brigade Manufacturing Company, Inc., Shawnee, OK.

21. Consider awarding contract for bunker clothes. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award to Morning Pride Manufacturing, Inc., Dayton, OH.

22. Consider awarding contract for rental of linen service. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award to Quality Enterprises of Lawton, Inc., Lawton, OK.

23. Consider awarding contract for asphalt crack filler. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award to Sorco Products, Inc., Stroud, OK.

24. Consider awarding contract for service windows. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award to Bradys Decorating Center, Lawton, OK.

25. Consider extending contract for laboratory services. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Laboratory Services, Stillwater, OK, through 12/31/98 at same terms.

26. Consider extending contract for electric motor repair. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with J & W Electric Motor Co., Lawton, OK, through 12/31/98 at same terms.

27. Mayors Appointments. Exhibits: None.

Lawton Arts & Humanities Council: Allison White to 6/30/99; Linda Alexander to 6/30/99
Board of Adjustment: Jim Quinlan to 10/28/2000
Redistricting Commission: John Hester, Ward Three, to 7/1/2002

28. Consider approval of payroll for the period of October 20 through November 2, 1997.
Exhibits: None.

Mayor Marley said Mr. Toles is present with regard to his damage claim. Purcell asked for separate consideration of Item 15.

Beller asked if the sod along the railroad track was acceptable on Item 16 on the SE F Avenue Improvement Project. Ihler said all the grassing and sodding was acceptable on Item 16, and the area Beller was referring to was

included in a project done a few years ago. Beller said the sod was just put in this summer and it is west of the track between F and G. Ihler said that was under the F Avenue Drainage Project and it is under maintenance and will be monitored.

MOVED by Shanklin, SECOND by Green, to approve the Consent Agenda items with the exception of Item 15 and the Toles damage claim. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

Mayor Marley said a portion of Item 10 was the damage claim of Mr. Toles, which was recommended for denial. Cruz said the claim of \$4,478.70 involved a vehicular accident near the ramp at I-44 and East Gore; based on claim investigation, there has been a change of story as to what happened on the night of the incident. He said the police were told it was the daughter driving and that she did not stop, and then later we found it was not the daughter driving but it was a friend of the family, and based on the information and the police report, it appears to the investigator that the driver of the Toles vehicle ran the red light, and not as she claimed that she came to a stop and then proceeded. He said the City's vehicle involved is a police car. Cruz said Mr. Toles has filed a claim with his insurance company, and that a claim had been filed with that insurance company to recover damages to the police car.

Mr. Toles indicated he did not wish to speak. Cruz recommended denial of the claim.

MOVED by Sadler, SECOND by Purcell, to deny the Toles claim as recommended. AYE: Purcell, Shanklin, Beller, Green, Warren, Sadler. NAY: None. MOTION CARRIED.

Mayor Marley said the attorney could speak with Mr. Toles following the meeting regarding appeal rights if he so desired.

15. Consider awarding a construction contract for the Council Heights Addition Waterline Project 97-21 to Kent Waller Construction in the amount of \$109,650.00. Exhibits: Location Map. (Bid tabulation on file in City Clerks Office)

Purcell asked if Waller had been assessed liquidated damages on the Museum project and Schumpert said no, the contract time had been extended.

MOVED by Purcell, SECOND by Beller, to award the contract as recommended. AYE: Shanklin, Beller, Green, Warren, Sadler, Purcell. NAY: None. MOTION CARRIED.

REPORTS: Mayor/City Manager/City Council

Schumpert said there is a Halloween Open House on Friday from 3 to 4:30 p.m. in City Hall. There is a special Council Meeting on October 30 at 5 p.m. to discuss residential solid waste collection service. He said the Bar-S sanitary sewer system bids have been opened and, the gravity system, which is the most beneficial to the City, cost was \$507,800.30; the lift station option was \$662,681.80, so there was a savings with going with the gravity system.

Beller asked if the equalization basin is the same thing as the wet wells referred to earlier. Schumpert said had we accepted the wet well configuration, it would have been accepted by the City and subject to the industrial pretreatment, and therefore, when sewage entered that facility it would have had to meet the requirements, so this will really work as a catch basin for their sewage prior to coming into our system. Ihler said they had a wet well that is Bar-S property, which is used as a settling basin; it is called an equalization basin to settle out some of the chlorides. One of the other alternatives was a lift station downstream from that equalization wet well and the lift station has a wet well as part of it, but that portion with the wet well lift station, the lift station portion was not cost effective and they will use gravity flow, so the lift station wet well is eliminated but Bar-S still has their wet well which will be maintained and operated by Bar-S. Beller asked if the City has to maintain the two pumps and Ihler said no. Beller said the engineers are to be commended.

Schumpert said the documents on the museum trust and agreement have been provided to Paul Fisher and we hope this can be created by December 1. He said there are many events this weekend in connection with the opening of the Museum.

Green said a housing seminar would be held Thursday at 6:30 p.m. at Owens Multi Purpose Center and residents are encouraged to attend. She said the deadline on the First Time Homebuyers Program is October 31.

Shanklin said he made a comment previously about loud noises from vehicles that officers would not write tickets because they could not get a conviction in court but that he had received a memorandum from the Judge and found that was not true. He said 220 tickets had been written, 162 went before the Judge and almost \$9,000 was collected in fines. Shanklin said there was another correspondence through CPT Rightmer regarding officers being

embarrassed about singing on the witness stand or finding a lack of knowledge in the area of music, but the memorandum from Judge Harris presented a difference of opinion. He asked if it was felt that \$52 was a sufficient fine for this offense and suggested it be \$110. Several members agreed \$110 would be more appropriate. Schumpert said that could be relayed to the Judge. (Mayor Marley left the meeting at this point and Beller chaired the remainder.)

Shanklin said the Vice President had indicated he ordered federal agencies to come up with a plan to flush the poisons and pollutants from the nations highways and a plan was to be submitted in 90 days. He said he did not know how that could affect cities in the future.

Shanklin asked how the project was coming on mapping silt into the lakes. Schumpert said Darrell Paulk, the Citys surveyor, is completing that and about 30 days work remains.

Beller said the Council would like to wish the Mayors wife a speedy recovery after her emergency surgery. There was no further business to consider and the meeting adjourned at 8:15 p.m.